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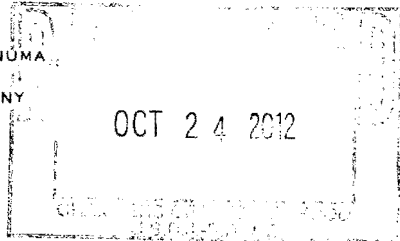
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VIA HAND DELIVERY

October 24, 2012

The Honorable Kimba M. Wood
United States District Court Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Ghavami, et al., 10 Cr. 1217 (KMW)

Dear Judge Wood:

We write on behalf of defendants Peter Ghavami, Gary Heinz, and Michael Welty. We wish to inform the Court that defendants will not be filing post-trial motions under either Fed. R. Crim. P. 29 or Fed. R. Crim. P. 33. Defendants respectfully reserve all rights with respect to the motions and rulings that have been made to date.


We respectfully note two issues to ensure that the record is clear. First, in denying defendants' pretrial motion to dismiss counts one, two, and four as multiplicitous, the Court stated in part: "Should the jury convict Defendants on what the Court ultimately determines to be multiplicitous counts, the Court will enter judgment on only one of the multiplicitous counts." Dkt. 211 (7/13/12 Order at 20-22). Second, the defendants made an oral motion at trial to dismiss count one on variance grounds. Tr. 783-84. The Court stated: "This argument has been made before. It's my view that this is not a variance. But I'll take a close look at the transcript." *Id.* Before the verdict was announced, the Court asked whether there were any pending motions, and defense counsel referred the Court to page 783 of the transcript. Tr. 4862-63. The Court stated, "I've looked at that[.]" and also stated, "I take it I can decide it postverdict, if need be." *Id.* at 4863. Defendants consented and the Court stated: "Your objections and rights are

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preserved and I'll reserve ruling." *Id.* Defendants are respectfully proceeding on the understanding that the Court has denied relief with respect to both of those motions. Accordingly, we request that Your Honor endorse a copy of this letter to confirm that our understanding is correct and that the Court has denied relief with respect to both motions.

Thank you for your consideration of this matter.

Respectfully submitted,



Charles A. Stillman

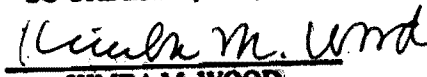
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cc: Counsel of Record (by email)

*The Court denies relief with
respect to both motions.*

Oct. 25, 2012

SO ORDERED, N.Y., N.Y.


KIMBA M. WOOD
U.S.D.J.